

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

Brian Gleen Cox,

Petitioner,

v.

Jason Bennett,

Respondent.

Case No. 3:23-cv-5036-JHC-TLF

ORDER FOR SERVICE AND
ANSWER, 28 U.S.C. § 2254
PETITION

This is a federal habeas action filed under 28 U.S.C. § 2254. Petitioner is currently incarcerated at Stafford Creek Corrections Center and is subject to the Court's Mandatory Electronic E-Filing Initiative pursuant to General Order 02-15 and 06-16. The Court, having reviewed petitioner's federal habeas petition, hereby finds and ORDERS as follows:

(1) The Clerk is directed to issue the Notice of Option of Consent to Magistrate Judge Theresa L. Fricke.

(2) The Clerk shall arrange for service by email upon respondent and upon the Attorney General of the State of Washington, of copies of the petition (Dkt. 6) and of this Order. The Clerk shall also direct a copy of this Order and of the Court's *pro se* instruction sheet to petitioner.

(3) Within **forty-five (45) days** after such service, respondent(s) shall file and serve an answer in accordance with Rule 5 of the Rules Governing Section 2254 Cases

1 in United States District Courts. As part of such answer, respondent(s) shall state
2 whether petitioner has exhausted available state remedies and whether an evidentiary
3 hearing is necessary. Respondent(s) shall not file a dispositive motion in place of an
4 answer without first showing cause as to why an answer is inadequate. Respondent(s)
5 shall file the answer with the Clerk of the Court and serve a copy of the answer on
6 petitioner.

7 (4) The answer will be treated in accordance with Local Rule LCR 7.
8 Accordingly, on the face of the answer, respondent(s) shall note it for consideration on
9 the fourth Friday after filing. Petitioner may file and serve a response not later than the
10 Monday immediately preceding the Friday designated for consideration of the matter,
11 and respondent(s) may file and serve a reply not later than the Friday designated for
12 consideration of the matter.

13 (5) Filing by Parties, Generally

14 All attorneys admitted to practice before this Court are required to file documents
15 electronically via the Court's CM/ECF system. Petitioner shall file all documents
16 electronically. All filings must indicate in the upper right hand corner the name of the
17 magistrate judge to whom the document is directed.

18 Any document filed with the Court must be accompanied by proof that it has
19 been served upon all parties that have entered a notice of appearance in the underlying
20 matter. Petitioner shall indicate the date the document is submitted for e-filing as the
21 date of service.


22 (6) Motions
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1 Any request for court action shall be set forth in a motion, properly filed and
2 served. Pursuant to LCR 7(b), any argument being offered in support of a motion shall
3 be submitted as a part of the motion itself and not in a separate document. The motion
4 shall include in its caption (immediately below the title of the motion) a designation of
5 the date the motion is to be noted for consideration on the Court's motion calendar.

6 (7) Direct Communications with District Judge or Magistrate Judge

7 No direct communication is to take place with the District Judge or Magistrate
8 Judge with regard to this case. All relevant information and papers are to be directed to
9 the Clerk.

10 Dated this 7th day of April, 2023.

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14 Theresa L. Fricke
15 United States Magistrate Judge
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